

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CITY OF EVANSTON and THE UNITED
STATES CONFERENCE OF MAYORS,

Plaintiffs,

v.

WILLIAM P. BARR, in his official capacity as
Attorney General of the United States,

Defendant.

Case No. 18-cv-4853

**PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY
IN SUPPORT OF THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT**

The City of Evanston, Illinois (“Evanston”) and the United States Conference of Mayors (the “Conference”) respectfully move the Court for an order granting them leave to file supplemental authority in support of their motion for partial summary judgment. In support of this motion, plaintiffs respectfully state as follows:

1. On February 11, 2019, plaintiffs filed their motion for partial summary judgment on Counts I, II, and IV of their amended complaint. (ECF Nos. 52, 56.) On June 21, 2019, plaintiffs filed a combined reply in support of their motion for partial summary judgment and opposition to the Attorney General’s cross motion. (ECF No. 84.)

2. In their motion, plaintiffs request, in part, that the Court enter a permanent injunction preventing the Attorney General from conditioning, withholding, or delaying FY 2017, FY 2018, and future Byrne JAG awards on the basis of the challenged immigration-related conditions imposed by the Attorney General. (ECF No. 56 at 27; ECF No. 84 at 38-39.)

3. On July 25, 2019, after the parties completed briefing on plaintiffs’ motion for partial summary judgment and the Attorney General’s cross motion, the Department of Justice (the “Department”) issued the FY 2019 local Byrne JAG solicitation (attached as Exhibit A),

which explains what is required for applicants to receive the grant funds.

4. The FY 2019 Byrne JAG solicitation imposes the notice, access, compliance, harboring, and questionnaire conditions and required certifications (collectively, the “challenged conditions”) at issue in this litigation and which courts throughout the country have uniformly rejected. (*See, e.g.*, ECF No. 84 at 1, n.1.)

5. The FY 2019 notice, access, and compliance conditions are materially identical to the notice, access, and compliance conditions imposed on the FY 2017 and FY 2018 funds. *Compare* Ex. A at 23-24 (summary of the notice, access, and compliance conditions in the FY 2019 solicitation) *with* Pls.’ RJN Ex. H at 36-37 (summary of the notice, access, and compliance conditions in the FY 2018 solicitation) *and* Pls.’ RJN Ex. C at 29-30 (summary of the notice, access, and compliance conditions in the FY 2017 solicitation).

6. Similarly, the FY 2019 harboring and questionnaire conditions are materially identical to the harboring and questionnaire conditions imposed on the FY 2018 funds. *Compare* Ex. A at 23 (explaining the 2019 harboring condition) *with* Pls.’ RJN Ex. H at 36 (explaining the 2018 harboring condition); *compare also* Ex. A at 21-22 (2019 questionnaire condition) *with* Pls.’ RJN Ex. H at 27-28 (2018 questionnaire condition). And once again, the Attorney General requires grant recipients certify compliance with the unlawful conditions. *Compare* Ex. A at 10-11, 20 (2019 certifications) *with* Pls.’ RJN Ex. H at 27 (2018 certifications) *and* Pls.’ RJN Ex. C at 22-23 (2017 certifications).

7. Plaintiffs now seek leave to cite the FY 2019 local Byrne JAG solicitation as supplemental authority in support of their motion for summary judgment and opposition to the Attorney General’s cross motion. The Court previously granted Chicago leave to file the FY

2019 local Byrne JAG solicitation as supplemental authority in the related *Chicago v. Sessions* case. *City of Chicago v. Sessions*, Case No. 18-cv-6859, ECF No. 78.

8. Plaintiffs also seek leave to cite the collection of documents attached as Exhibit B, which identify the FY 2019 Byrne JAG local allocations within each state and the FY 2019 Byrne JAG state allocations.¹ The FY 2019 Byrne JAG allocations include Conference member cities that were allocated grant funds.

9. The Attorney General's decision to once again impose the challenged conditions further demonstrates the need for the forward-looking relief requested by plaintiffs. (*See* ECF No. 84 at 38.) The Attorney General's ongoing attempt to punish cities and other grant recipients that do not acquiescence to his unlawful immigration-related conditions must be stopped. As set forth above and in plaintiffs' briefs in support of their motion for partial summary judgment, plaintiffs request that the Court issue a permanent injunction preventing the Attorney General from imposing the challenged conditions on Byrne JAG funds for FY 2017, 2018, 2019, and future grant years.

WHEREFORE, for the reasons stated above, plaintiffs respectfully request leave to file the supplemental authority attached as Exhibits A and B in further support of their motion for partial summary judgment on Counts I, II, and IV of their amended complaint.

¹ As of August 13, 2019, the local allocations are available online at <https://www.bja.gov/jag/19jagallocations.html>. As of August 13, 2019, the state allocations are available online at <https://www.bja.gov/Funding/19JAGStateAllocations.pdf>.

Dated: August 14, 2019

Respectfully submitted,

THE UNITED STATES CONFERENCE OF
MAYORS and CITY OF EVANSTON

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CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2019, I electronically filed the foregoing document by using the Court's CM/ECF system. Counsel for all parties are registered CM/ECF users, and service will be accomplished by the CM/ECF system.

By: /s/ Brian C. Haussmann
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